

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

LARRY JAMES JESSUP,

Appellant.

No. 37695-4-II

UNPUBLISHED OPINION

Quinn-Brintnall, J. — Following a bench trial, the trial court found Larry James Jessup guilty of first degree malicious mischief, first degree attempted theft, and possession of burglary tools. Jessup appeals his conviction, arguing that the trial court erred by failing to enter written findings of fact and conclusions of law as required by CrR 6.1(d). The State concedes error and asks that this court remand Jessup's case for entry of written findings of fact and conclusions of law. We agree and remand to the trial court with directions that it enter findings of fact and conclusions of law as required by law.

DISCUSSION

The State charged Jessup with first degree malicious mischief, first degree attempted theft, and possession of burglary tools. After a bench trial, the court found Jessup guilty on all counts. In its oral ruling, the trial court briefly discussed the factual basis for finding Jessup guilty of malicious mischief. The trial court did not address the factual basis for finding Jessup guilty of the other two crimes beyond mentioning that the malicious mischief and attempted theft counts seemed to be the same criminal conduct and stating that the items Jessup intended to steal were valued at over \$1,500.

In *State v. Head*, 136 Wn.2d 619, 624, 964 P.2d 1187 (1998), our Supreme Court held that “failure to enter written findings of fact and conclusions of law as required by CrR 6.1(d) requires remand for entry of written findings and conclusions.” The court noted that “[a]n appellate court should not have to comb an oral ruling to determine whether appropriate ‘findings’ have been made, nor should a defendant be forced to interpret an oral ruling in order to appeal his or her conviction.” *Head*, 136 Wn.2d at 624. The trial court’s oral ruling exemplified the problems caused by such an approach because it failed to “sufficiently address each count separately, and . . . adequately identify the evidence relied upon to support each element of each count.” *Head*, 136 Wn.2d at 623.

Here, as in *Head*, the trial court’s failure to enter written findings of fact and conclusions of law requires remand. The trial court’s oral ruling did not separately address each count charged or identify the facts which supported each element of those counts.

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Accordingly, we remand to the trial court with directions that it enter findings of facts and conclusions of law as required by law.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

QUINN-BRINTNALL, J.

We concur:

HOUGHTON, P.J.

HUNT, J.